IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.25100 of 1997

Dated: January 24, 2007

Between:

Daggupati Venkataramana Naidu, S/o. Chandrappa-Naidu, aged about 50 years, R/o. Rajampeta, Cuddapah District.

… Petitioner

And

The Revenue Divisional Officer, Rajampet, Cuddapah District, and another.

… Respondents

Order:

By this Writ Petition, petitioner seeks Mandamus to declare the action of the first respondent in not passing an award though his lands were acquired by issuing notification dated 12-11-1995 under Section 4(1) of the Land Acquisition Act, 1890 ('the Act' for brevity).

2. In the affidavit filed in support of the Writ Petition, it is stated that

petitioner was the owner of lands of an extent of Ac.0.52 cents in Survey No.572/3 and Ac.1.40 cents in Survey No.573/5 in Rajampet village, Cuddapah District, having inherited the same from his ancestors. It is the case of the petitioner that Government of Andhra Pradesh proposed to acquire the aforementioned lands for providing house sites to weaker sections of Kuchivaripalle, Hamlet of Rajampet. For the said purpose, second respondent issued notification under Section 4(1) of the Act, which was published in the District Gazette, Cuddapah, on
12-11-1995. It is stated that draft declaration was published in the same Gazette and possession was also taken on the same day. The grievance of the petitioner is that though his land was acquired, no award was passed determining the compensation payable to him.

3. None appears for the petitioner. Heard learned Government Pleader appearing on behalf of the respondents.

4. Though the Writ Petition is of the year 1997, no counter affidavit has been filed. Learned Government Pleader is not in a position to say whether any award has been passed in favour of the petitioner. He submits that as relevant papers are misplaced, he is not able to answer the allegations of the petitioner.

5. Along with the Writ Petition, petitioner has filed a copy of the notification by which his land in Survey Nos.572/3 and 573/5, admeasuring Ac.0.52 cents and Ac.1.40 cents respectively, was notified for acquisition for providing house sites to weaker sections of Kuchivaripalle, Hamlet of Rajampet, Cuddapah District. A copy of the declaration dated 12-11-1995, issued under Section 6 of the Act, has also been filed.

6. As per the scheme of the Act and particularly with reference to the provision under Section 11-A of the Act, it is obligatory on the part of the District Collector to pass an award under Section 11 of the Act within a period of two years from the date of publication of declaration and if no award is made within that period, entire proceedings for acquisition of land shall lapse. Though it is the specific allegation of the petitioner that no award was passed, for which declaration was issued, and no compensation was paid to him, counter affidavit has not been filed contraverting these allegations.

7. It is to be seen that as per Section 11-A of the Act, it is obligatory on the part of the District Collector to pass an award under Section 11 of the Act within a period of two years from the date of publication of declaration. As the declaration in this case was issued in the year 1995, the two years period, within which an award has to be passed, has lapsed long back. In that view of the matter, no direction can be given to the respondents to pass an award basing on the aforementioned notification.

8. In the facts and circumstances of the case, I deem it appropriate to dispose of the Writ petition directing the respondents to notify the aforementioned land of the petitioner afresh within a period of two months from today, if the same has already been taken possession of by them, and pass an award, determining the compensation, within a period of six months from the date of receipt of this order.

9. The Writ Petition is accordingly disposed of. No order as to costs.

JUSTICE R. SUBHASH REDDY.

January 24, 2007
MRR